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Editorial: All roads lead to SCOTUS

On Tuesday, the three judges of the Seventh U.S. Circuit Court of Appeals in Chicago ripped to pieces the arguments presented by the backers of Indiana and Wisconsin's same-sex marriage bans.

The trio of justices seemed to be sympathetic to the plaintiffs' contention the bans violate the Constitution's equal protection guarantee.

Many of the sharpest verbal barbs fired from the bench in the direction of the bans' supporters originated from 75-year-old Richard Posner, who was appointed by President Ronald Reagan in 1981. When Wisconsin Assistant Attorney General Timothy Samuelson attempted to cite "tradition" as reason to keep same-sex couples from wedding, Posner pounced.

"It was tradition to not allow blacks and whites to marry — a tradition that got swept away," Posner fired back.

Much like the landmark 1967 Loving v. Virginia case Posner alluded to — which struck down interracial marriage bans — this is yet another marriage

equality case that will ultimately be decided by the Supreme Court of the United States.

And don't think we'll have to wait long, either; there are simply too many cases similar to Indiana and Wisconsin's wending their way through the lower courts.

"The Supreme Court has yet to take up a case, but Utah and Oklahoma's cases were appealed to the high court and Virginia's attorney general also asked the justices to weigh in," according to an Associated Press story we published on our front page Wednesday. "Appeals court rulings are pending for Kentucky, Michigan, Ohio and Tennessee, while appellate court hearings are scheduled next month for Hawaii, Oregon, Idaho, Nevada and is expected soon in Texas."

Nearly two dozen court victories have been tallied in favor of marriage equality since the landmark 2013 SCOTUS case *United States v. Windsor*, which struck down Section 3 of the Defense of Marriage Act and demanded the federal government treat same-sex couples equally. Nineteen states and Washington, D.C., currently recognize same-sex marriage. This state-by-state patchwork will not stand.

The new SCOTUS term begins the first week of October. To the nine justices: We need an answer. The ball is squarely in your court.